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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 GERARDO MONSON-LOPEZ,  
12 Defendant-Petitioner,  
13 v.  
14 UNITED STATES OF AMERICA,  
15 Plaintiff-Respondent.  
16 \_\_\_\_\_

) Criminal No. 12-CR-3944-L  
) Civil No. 13-CV-0621-L

) **ORDER DISMISSING WITH**  
) **PREJUDICE PETITIONER'S**  
) **MOTION FOR REDUCTION OF**  
) **SENTENCE UNDER 28 U.S.C. § 2255**


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18 On January 4, 2013, Petitioner Gerardo Monson-Lopez ("Petitioner") filed a Motion for  
19 Reduction of Sentence pursuant to 28 U.S.C. § 2255. Petitioner essentially requests that this  
20 Court grant a downward departure of up to two points due to Petitioner's immigration removal  
21 status. The Court has reviewed the record in this case, which clearly establishes that on October  
22 16, 2012, Petitioner waived both his right to appeal and to collaterally attack his conviction and  
23 sentence. (Plea Agreement ¶ XI.) Petitioner's motion raises no challenge to the validity of that  
24 waiver, therefore this Court lacks jurisdiction to consider any collateral challenge to his  
25 conviction and sentence. *See Washington v. Lampert*, 422 F.3d 864, 869-70 (9th Cir. 2005)  
26 (recognizing that if sentencing agreement's waiver of the right to file a federal habeas petition  
27 was valid, district court lacked jurisdiction to hear the case).

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1           Accordingly, Petitioner's Motion For Reduction of Sentence pursuant to 28 U.S.C. §  
2 2255 is **DISMISSED WITH PREJUDICE.**

3           **IT IS SO ORDERED.**

4  
5 DATED: March 20, 2013

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7   
M. James Lorenz  
United States District Court Judge

8 COPIES TO:  
9 PETITIONER  
10 U.S. ATTORNEY'S OFFICE  
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